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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,355	05/09/2005	Claude Dal Farra	0591-1008	4931

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EXAMINER	
MOHAMED, ABDEL A	

ART UNIT	PAPER NUMBER
1654	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/534,355	DAL FARRA ET AL.	
	Examiner	Art Unit	
	Abdel A. Mohamed	1654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 July 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7 and 13-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7 and 13-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *5/9/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

ACKNOWLEDGMENT OF PRIORITY, IDS, RESPONSE TO THE RESTRICTION REQUIREMENT, STATUS OF THE APPLICATION AND CLAIMS

1. This application filed under 35 U.S.C. 371 on 05/09/05 having a filing date of 11/04/03 of PCT/FR03/032801. Acknowledgement is made of Applicant's claim priority based on French Application Numbers 0214012 and 0309889 having filing dates of 11/08/02 and 08/13/03, respectively. Receipt is acknowledged of papers submitted under 35 U.S.C. § 119, which papers have been placed of record in the file. The information disclosure statement (IDS) and Form PTO-1449 filed 05/09/05 and the response to the restriction requirement filed 07/18/07, respectively are acknowledged, entered and considered. In view of Applicant's request claims 2 and 3 have been amended and claims 8-12 and 21-23 have been canceled. Claims 1-7 and 13-20 are now pending in the application.

OBJECTION TO THE SPECIFICATION

2. The specification is objected because there are no Headings disclosed in the disclosure and the following guidelines illustrate the preferred layout and content for patent application. These guidelines are suggested for the Applicant's use:

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.

(b) CROSS-REFERENCE TO RELATED APPLICATIONS.

(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.

(d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) Or

REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)

(e) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(f) BRIEF SUMMARY OF THE INVENTION.

(g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(h) DETAILED DESCRIPTION OF THE INVENTION.

(i) CLAIM OR CLAIMS (commencing on a separate sheet).

(j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino

acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

3. Also, the specification is objected because the priority data of this application should be updated in the specification. Appropriate correction is required.

ELECTION WITHOUT TRAVERSE

4. Applicant's election without traverse of Group I (claims 1-7 and 13-20) in the reply filed 07/18/07 is acknowledged. Hence, the Office action is directed to the merits of claims 1-7 and 13-20 as *per* elected invention.

OBJECTION OF THE CLAIMS

5. Claims 4 and 16 are objected in the recitation "a concentration ranging approximately between 0.05 and 500 ppm". It is believed to be typographical errors because the instant specification on page 9, line 23 discloses "a concentration ranging from approximately 0.005 to 500 ppm". Appropriate correction is required.

CLAIMS REJECTION-35 U.S.C. 112, 1st PARAGRAPH

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no description in the instant specification for the claimed method for **treating superficial body growths activating cell energy metabolism**, comprising administering to a subject in need of treatment thereof an effective amount of a composition according to claim 13 as claimed in claim 7. The specification demonstrates synthesis of the claimed peptide and various *in vitro* assays in various cells. Examples 1-4 demonstrate the effect of the peptide on various cells *in vitro* assays. Example 5 shows the activity of the peptide on adipocytes *in vitro*, and Example 6 shows the activity of the peptide on the amount of intracellular cAMP *in vitro* while Example 7 disclose the method of the preparation of the claimed compositions. However, there is no pharmaceutical formulation administered to a subject in need of treatment thereof an effective amount of a composition according to claim 13 containing an acceptable medium as an active ingredient, at least a peptide of formula (I): (AA)n-Arg-Gly-Ser-(AA)n (I) wherein (AA) is unspecified amino acid or one of its derivatives, and N is an integer ranging between 0 and 3 as claimed in claim 7. There is no *in vivo* showing for the effectiveness of the method for **treating superficial body growths activating cell energy metabolism**, comprising administering to a subject in need of treatment thereof an effective amount of a composition according to claim 13 in the manner claimed in claim 7.

CLAIMS REJECTION-35 U.S.C. 112 [2nd] PARAGRAPH

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

7. Claims 1-7 and 13-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 13 are indefinite in the recitation "and/or" because it is not clear whether "and" or is it "or" are the claims meant in the conjunctive or is the "/" meant to be used in the alternative. Further, the recitation of "a cosmetic and/or dermatological and/or pharmaceutical composition" makes the claims indefinite because the claims contain the use of an alternative expression wherein the limitations cover three elements, i.e., "cosmetic" is not the same as "dermatological" or "pharmaceutical" and *vice versa*. Appropriate correction is required.

Claims 1 and 13 recite, "AA is an unspecified amino acid or one of its derivatives". It is unclear from the claims and specification as to what extent the amino acids may be modified/derived and still be considered "a derivative" of an unspecified amino acid, and thus the claims are vague and indefinite.

Claims 2-6 and 13-20 are in indefinite in the recitation "characterized" because the characterization of use can be recited by amending the claims to recite "wherein" or "comprising", etc. Thus, it is suggested that the term "wherein" or "comprising", etc. be replaced in the recitation thereof.

Claims 3 and 15 are indefinite in the recitation "the peptide is selected among peptides..." because it is not clear if Applicant intends a Markush format. If Applicant intends

to use a Markush format, then, the Office recommends the use of the phrase "selected from the group consisting of ....." in listing species to ensure the Markush group is "closed".

Also, claims 5, 6, 18 and 19 are indefinite in the recitation various pharmaceutical solvents and vectors, respectively. It is not clear if Applicant intends a Markush format. If Applicant intends to use a Markush format, then, the Office recommends the use of the phrase "selected from the group consisting of ....." in listing species to ensure the Markush group is "closed".

Claims 4 and 16 are indefinite in the recitation "preferentially" because the phrase makes the choice "optional". If an ingredient, a step, or other structural element is truly optional (e.g., preferentially this concentration or that) i.e., its presence is not necessary for attainment of the result that is an object of the invention, then recitation thereof does not belong in the claims.

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claims 4 and 16 recite the broad

recitation of a concentration ranging from 0.05 (sic) to 500 ppm, and the claims also recites concentration ranging from 0.1 to 50 ppm which is the narrower statement of the range/limitation.

Claims 5, 6, 18 and 19 recite the limitations "solvents", "vectors" and "mineral supports", respectively. There is insufficient antecedent basis for these limitations in the claims. Claim 1 or claim 13 do not recite "solvents", "vectors", and/or "mineral supports", and the claims lack antecedent basis.

Regarding claims 5, 6, 18 and 19, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claims 5 and 18 recite, "...solubilized beforehand..." It is unclear from the claims and specification what period of time constitutes "beforehand". One interpretation is that the peptide is solubilized during manufacture and/or purification. Another interpretation is that Applicant intends to recite the peptide in a composition with additional formulary components. Because they're multiple interpretations of the claims, they are indefinite. Appropriate clarification is required.

Claims 6 and 19 are confusing because they recite the method where the peptide is solubilized in something, such as a liposome, and solubilized, more generally, in anything pharmaceutically acceptable. Thus, the claims are confusing because they recite both broad and narrow limitations on solubilization. Appropriate correction is required.

Claim 7 is indefinite and confusing in the recitation "treating superficial body growths activating cell energy metabolism" because it is not clear as to what the phrase is reflecting. It is

not understood what it is being treated. Does it mean to activate energy metabolism of skin cells such as fibroblasts and adipocytes as explained on page 6, lines 7-9 in the instant specification? Just what are superficial body growths? Appropriate clarification is required.

CLAIM REJECTION-35 U.S.C. § 102(b)

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 13, 14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Liu et al (Biochemistry, Vol. 35, No. 1, pp. 197-201, 1996).

The instantly claimed invention as claimed in claims 1, 2, 4, 13, 14 and 16 is directed to a method of preparing a cosmetic and/or dermatological and/or pharmaceutical composition a composition thereof comprising a peptide of formula I: (AA)n-Arg-Gly-Ser-(AA)n, wherein the peptide has the sequence Arg-Gly-Ser, and the peptide is present in the composition at a concentration of 0.005 to 500 ppm, preferably at a concentration ranging from 0.1 to 50 ppm.

Liu et al disclose the isolation of a tripeptide such as Arg-Gly-Ser (RGS) peptide, which inhibits binding of mAb TL4 to its membrane receptor. The reference clearly teaches that RGS peptide is contemplated in a pharmaceutical composition that inhibits binding of mAb TL4 to its membrane receptor by using various concentrations of RGS peptide, which overlaps with the claimed ranges of concentrations ranging from 0.005 to 500 ppm (See e.g., Figures 1-4 and page 199, right column). Further, with respect to pharmaceutical composition, to the extent that RGS

is in a physiological buffer it is considered to be a pharmaceutical composition (See e.g., page 199, right column).

In regard to a method for preparing a cosmetic and/or dermatological and/or pharmaceutical composition of claim 1, the above limitations of "a cosmetic and/or dermatological and/or pharmaceutical composition" are considered as functional limitations, which do not impart patentability to the compound and/or the peptide claimed.

Also, with respect to composition claim 13, the cited reference above does not disclose the intended use of the product/composition for a cosmetic and/or dermatological and/or pharmaceutical composition; nevertheless a statement of usefulness or contemplated use of a claimed compound or composition in a claim is usually given little weight in distinguishing over the prior art. *In re Maeder et al.* (CCPA 1964) 337 F2d 875, 143 USPQ 248; *In re Riden et al.* (CCPA 1963) 318 F2d 761, 138 USPQ 112; *In re Sinex* (CCPA 1962) 309 F2d 488, 135 USPQ 302. Further, it is well established that the intended use of a compound (e.g., a polypeptide or a protein or a glycoprotein) does not impart patentability to the compound. *In re Spada,* 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990) (The discovery of a new property or use of a previously known composition, even when that property and use are unobvious from the prior art, can not impart patentability to claims to the known composition); *In re Pearson*, 494 F.2d 1399, 1403, 181 USPQ 641, 644 (CCPA 1974) (intended use of an old composition does not render composition claims patentable); *In re Zierden*, 411 F.2d 1325, 1328, 162 USPQ 102, 104 (CCPA 1969). Thus, in the absence of evidence to the contrary or specific structural limitations, the claimed method of preparing and compositions thereof as taught by the reference anticipates claims 1, 2,4, 13, 14 and 16 as drafted.

CLAIMS REJECTION-35 U.S.C. 103(a)

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-6 and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu et al (Biochemistry, Vol. 35, No. 1, pp. 197-201, 1996 taken with either WO 2000-77042, published December 21, 2000 (referenced as Usdin et al US-PGPUB 2003/0032096) or Arrhenius et al (U.S. Patent No. 5,821,231).

The prior art of Liu et al as discussed above under the rejection 102(b) discloses the isolation of a tripeptide such as Arg-Gly-Ser (RGS) peptide, which inhibits binding of mAb TL4 to its membrane receptor. The reference clearly teaches that RGS peptide is contemplated in a pharmaceutical composition that inhibits binding of mAb TL4 to its membrane receptor by using various concentrations of RGS peptide, which overlaps with the claimed ranges of concentrations ranging from 0.005 to 500 ppm. The reference states that the peptides were purified by affinity purification (See e.g., abstract), and which necessarily requires that the peptide be "solubilized beforehand", and thus meeting the limitations of claims 5 and 18.

The primary reference of Liu et al differs from claims 3, 5, 6, 15 and 18-20 in not **explicitly** teaching the use of protective groupings such as acylation or acetylation of the amino-terminal or the amidation or esterification of the carboxyl-terminal. Also, the primary reference does not **explicitly** teach the use of solvents and vectors as claimed in claims 5, 6, 17 and 18 as well as the formulations recited in claim 20. However, the reference of Arrhenius et al ('231 patent) shows in Table 1, particularly compound 896.56 that the peptide is both N-acetylated and forms an amide on the C-terminus. Further, the '231 patent teaches that the compounds may be formulated in liposomes (See e.g., col. 126, lines 27+), and may be administered as a prophylactic and/or therapeutic to a patient in need (See e.g., col. 128, lines 33+).

Furthermore the reference of Usdin et al (PGPUB '096) teaches that the N-terminus may be any of the groups: amino, hydrophobic, acetyl, 9-fluorenylmethoxy-carbonyl (FMOC), or macromolecular group (See e.g., paragraph 0052). The C-terminus may be a carboxyl group, an amide group, a T-butyloxycarbonyl group or a macromolecular carrier group (See e.g., paragraph 0053).

Moreover,'096 teaches that pharmaceutical compositions where the peptide fragments, and analogs of the invention can be employed in admixture with conventional excipients, i.e., pharmaceutically acceptable organic or inorganic carrier substances suitable for parenteral, enteral or topical applications that do not deleteriously react with the active peptides, fragments, and analogs of the invention. Suitable pharmaceutically acceptable carriers include but are not limited to water, salt solutions, alcohols, gum Arabic, vegetable oils, benzyl alcohols, polyethylene glycols, gelatin, carbohydrates such as lactose, amylase or starch, magnesium stearate, talc, silicic acid, viscous paraffin, perfume oil, etc. Further, the '096 reference states that the pharmaceutical preparations can be sterilized and if desired mixed with auxiliary agents, e.g., lubricants, preservatives, stabilizers, wetting agents, emulsifiers, salts for influencing osmotic pressure, buffers, coloring, flavoring and/or aromatic substances and the like which do not deleteriously react with the above compounds. They can also be combined where desired with other active agents, e.g., vitamins (See e.g., paragraph 0100).

Furthermore, the '096 teaches that sustained or directed release compositions can be formulated, e.g., liposomes or those wherein the active compound is protected with differentially degradable coatings, e.g., by microencapsulation, multiple coating, etc. (See e.g., paragraph 0103), and, for topical application, there are employed as non-sprayable forms, viscous to semi-solid or solid forms comprising a carrier compatible with topical application and having a dynamic viscosity preferably greater than water. Suitable formulations include but are not limited to solutions, suspensions, emulsions, creams, ointments, powders, liniments, salves, aerosols, etc., which are, if desired, sterilized or mixed with auxiliary agents, e.g., preservatives, stabilizers, wetting agents, buffers or salts for influencing osmotic pressure, etc. For topical

application, also suitable are sprayable aerosol preparations wherein the active ingredient, preferably in combination with a solid or liquid inert carrier material, is packed in a squeeze bottle or in admixture with a pressurized volatile, normally gaseous propellant, e.g., a Freon (See e.g., paragraph 0104). Thus, the teachings of '231 and '096 fully meet the limitations of claims 3, 5, 6, 15 and 18-20.

Therefore, both references of '231 and '096 teach modifications are suitable for the N and C termini of the compounds. Thus, it would have been obvious to one of ordinary skill in the art to which this invention pertains to select a protected peptide, N-acyl and/or C-amide, as '231 teaches that modified peptides have different inhibitory effects on the inflammatory response receptor. One would have been motivated to select a N- or C-terminally modified compound, with a reasonable expectation of success, because the compounds are disclosed as capable of being modified. Further, it would have been obvious to select a protected compound because '231 discloses protected variants of the compounds of '096, and '231 teaches that the protected compounds may act as pro-drugs (See e.g., col. 125, lines 10+), which would allow for sustained release or delayed release.

Further, both '231 and '096 disclose the peptides may be formulated for pharmaceutical applications, one formulation being dermatological. Both '231 and '096 disclose pharmaceutical composition of the compounds, including vector systems. Therefore, it would have been obvious to one of ordinary skill in the art to select suitable delivery agent for administration of the peptide of interest, and one would have been motivated to combine the peptides in a vector or pharmaceutically acceptable composition, with a reasonable expectation of success, as the

compounds disclosed as being capable of prepared for administration in vectors and pharmaceutically acceptable solvents.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the peptides of the primary reference in the methods of '231 or '096 because as discussed above the methods of '231 and '096 clearly disclose the preparation of pharmaceutical formulation of any peptide of interest, the use of protective groupings such as acylation or acetylation of the amino-terminal or the amidation or esterification of the carboxyl-terminal, the use of solvents and vectors, and wherein the pharmaceutical formulation is capable of being administered topically. Thus, from the combined teachings of the prior art, it is apparent that one of ordinary skill in the art would have had a reasonable expectation of success in producing the claimed invention. Therefore, the invention as a whole is *prima facie* obvious to one of ordinary skill in the art at the time the invention was made, as evidenced by the combined teachings of the references, absent of factual evidence or unexpected results to the contrary.

Further, claims 1, 2, 4, 13, 14 and 16 are included in this rejection in the vent that Applicant shows that "cosmetic and/or dermatological and/or pharmaceutical composition" limitations in the present claims distinguish over the primary reference's peptide comprising RGS, and thus overcome the rejection under 35 U.S.C 102(b) over Liu et al above. The invention is *prima facie* obvious over the prior art.

CITATION OF RELEVANT PRIOR ART

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Duda et al (FEBS Letters, Vol. 315, No. 2, pages 143-148, 1993) disclose a defined ATP-regulated module (ARM) sequence (Gly^{503}-Arg-gly-Ser-Asn-Tyr-Gly^{509}) in receptor granulocyte cyclases.

Hilderbrand et al (J. Phys. Chem., Vol. 109, No. 23, pages 11802-11809, 2005) teach the determination of sequence-specific intrinsic size parameters (SSISP) from cross sections values for 162 tripeptides.

Golz-Berner et al (U.S. Patent No. 6,245,342) describe cosmetic preparation with a peptide addition comprising (Lip)X-His-Phe-Arg-Y.

Dal Farra et al (U.S. Patent No. 7,211,269) disclose method for preparing a cosmetic or dermatological composition, of a sufficient amount of peptides of sequence $(Gly\text{-}Pro\text{-}Gln)_n\text{-}NH_2$, wherein in ranges between 1 and 3, and the amino acids can be in the form L, D.

CONCLUSION AND FUTURE CORRESPONDANCE

11. No claim is allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdel A. Mohamed whose telephone number is (571) 272 0955. The examiner can normally be reached on First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tsang Cecilia can be reached on (571) 272 0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jon Weber
Supervisory Patent Examiner

/AAM/Mohamed/AAM
September 26, 2007